

## **REMARKS/ARGUMENTS**

The Office action dated October 28, 2009 has been received and carefully considered. By this amendment Figure 11 and Claim 15 has been amended. After entry of this Amendment, Claims 15-20 will be pending. In view of these amendments and the following remarks, Applicants respectfully request reconsideration.

### **I. Drawings**

The Office objected to the drawings under 37 C.F.R. 1.83(a) for failing to illustrate every feature of the invention specified in the claims—namely, the "reading assist card having a window." Again, the Applicant disagrees. Figure 11 of the current drawing shows a reading assist card, or a "peeker" having a window. To clarify this, the Applicant has submitted a corrected drawing sheet in compliance with 37 C.F.R. §1.121(d), replacing the current Figure 11 with a new Figure 11 that explicitly labels the peeker and the window in the peeker, as taught in the last paragraph on page 8 of the specification. No new matter has been added.

### **II. Rejection Under 35 U.S.C. §101**

The Office rejected claim 1-14 under 35 U.S.C. §101 for being directed towards a non-functional descriptive subject matter. The Applicant disagrees, but to further prosecution has cancelled claims 1-14.

The Office rejected claims 15-20 under 35 U.S.C. §101 for failing to transform underlying subject matter (such as an article or materials) to a different state or thing. The Applicant disagrees, but to further prosecution has amended claim 15 to recite that the word with ordinary spelling is presented on a "training material." The step of revising alters the very subject matter of the training material

### **III. Rejection Under 35 U.S.C. §112**

The Office rejected claim 3 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant disagrees, but to further prosecution, has cancelled claim 3.

#### **IV. Rejection Under 35 U.S.C. §102**

The Office rejected claim 1-13 and 15-20 under 35 U.S.C. §102(b) for being anticipated by "Rocket Phonics." The Applicant disagrees that "Rocket Phonics" is applicable prior art, as "Rocket Phonics" was first published on September 2, 2002, and the current application claims priority to a provisional application that was filed on September 16, 2002. While the Applicant appreciates that the Office has found evidence at the United States Copyright Office that states that "Rocket Phonics" was first published on August 15, 2001, the records at the United States Copyright Office are incorrect. An incorrect date was given to the United States Copyright Office.

The Applicant hereby submits a declaration under 37 C.F.R. 1.131 to clarify the record, and is willing to appeal this application if the Office continues to reject the current claims for being anticipated by "Rocket Phonics."

**Request for Allowance**

Claims 15-20 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,  
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